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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/309,279 05/11/99 TAKAHASHI

T PM-260504-97

EXAMINER

MM91/1002

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LEE, Y ART UNIT	PAPER NUMBER
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2875
DATE MAILED:

10/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/309,279

Applicant(s)

TAKAHASHI ET AL.

Examiner

Y QUACH LEE

Group Art Unit

2875

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 7/24/2001
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 to 28 is/are pending in the application.
- Of the above claim(s) 4 to 6 and 8 to 18 is/are withdrawn from consideration.
- ☒ Claim(s) 2, 3, 20, 23, 25, 26 and 28 is/are allowed.
- ☒ Claim(s) 1, 7 and 19, 21, 22, 24 and 27 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 24, 2001 have been fully considered but they are not persuasive. The amendment of claim 27 does not overcome the rejection under 35 USC 112, first and second paragraphs. Applicant has not specifically pointed out the language in the specification that supports the amendment of this claim to avoid the rejection under 35 USC 112, first and second paragraphs. Rejection of Claim 27 under 35 USC 112, first and second paragraphs follows.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. For instance, there is no clear antecedent support for "the light scattering material forms the plurality of solid shapes ..." in the specification as originally presented. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Claim Rejections - 35 USC § 112

3. Claim 27 is rejected under 35 U.S.C. 112, first paragraph, for the reason set forth in the above objection to the specification.

4. Claims 21, 22, 24 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, there is no clear antecedent basis for "the plurality of solid shapes". The language --wherein the diffusion layer includes a sea-islands structure, the sea-islands structure having a plurality of solid shapes-- should be inserted in this claim in view of original claim 21 depends on original claim 20.

In claim 24, it is not clear what is "the first synthetic resin layer" referred to in view of "a first **transparent** synthetic resin layer" and "a first **semi-transparent** synthetic resin layer" as recited in claim 2?

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In claim 27, it is not clear how can the light scattering material form the plurality of solid shapes while the light scattering material is contained in the semi-transparent layer and the diffusion layer includes the plurality of solid shapes ... as recited in claim 23? Note lines 5 to 7 and 12 to 14 of page 12 of the specification, the plurality of solid shapes are formed by floated resins or particles in the shape of islands 19 uniformly arranged on an entire surface of the transparent layer 11, 13, that is, an entire outside surface of the semi-transparent layer 12.

Claim 22 depends on rejected claim 21 and as such is also rejected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson.

Erickson discloses a transparent body (36) having a transparent synthetic resin layer containing no light scattering material, a semi-transparent body (40) containing a light scattering material, a diffusion layer (38), the transparent body and the semi-transparent body jointed to form the diffusion layer therebetween defining a flat planar light emitter, and a light source (20), would inherently include an LED (column 2, lines 27 and 28), disposed at least at one side of the planar light emitter. However, Erickson does not disclose that the semi-transparent body having a semi-transparent synthetic resin layer. Note that it would have been an obvious matter of design choice to have the semi-transparent body a semi-transparent synthetic resin layer, since such a modification would have involved a change in the material of the component which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique.

7. Claims 2, 3, 20, 23, 25, 26 and 28 are allowable over the prior art of record.

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8. Claims 21, 22, 24 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Quach Lee whose telephone number is (703) 308-1939. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Y.Q.
September 27, 2001


Y. Quach Lee
Patent Examiner
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